Nova Scotia

ANNUAL REPORT

for the fiscal year
ending March 31, 1989

Department of Attorney General

90-07356/

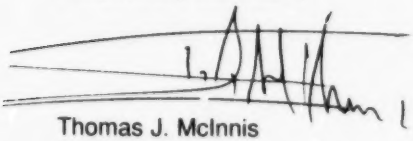
To His Honour

The Honourable Lloyd R. Crouse, P.C.
Lieutenant-Governor
Province of Nova Scotia

Sir:

I have the honour to submit herewith the annual report of the Department of Attorney General for the fiscal year ending March 31, 1989.

Respectfully submitted,



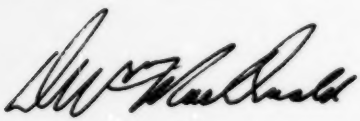
Thomas J. McInnis
Attorney General

To The Honourable Thomas J. McInnis
Attorney General
Province of Nova Scotia

Sir:

I have the honour to submit herewith the annual report of the Department of Attorney General for the fiscal year ending March 31, 1989.

Respectfully submitted,



D. William MacDonald, Q.C.
Deputy Attorney General

CONTENTS

The Department of Attorney General 9

Administration Division 12

Legal Services Division 18

Courts and Registries Division 21

Library 32

Office of Alcohol and Driving Countermeasures 33

Chief Medical Examiner 34

Criminal Injuries Compensation Board 35

Nova Scotia Legal Aid Commission 36

Public Trustee 38

Nova Scotia Securities Commission 39

Financial Report 40

ORGANIZATIONAL CHART

THE DEPARTMENT OF ATTORNEY GENERAL

INTRODUCTION

This first *Annual Report of the Department of Attorney General* covers the fiscal year April 1, 1988, to March 31, 1989. It deals with those areas of the administration of justice that are within the constitutional jurisdiction of the Province of Nova Scotia. Significantly, the report covers the activities of a recently restructured department since the supervision, direction, and control of affairs and matters relating to police and corrections were assigned to the Department of Solicitor General upon the creation of that department in December 1987.

This report is intended to provide factual information on the activities of the Department that will give the reader a better understanding of the administration of justice in Nova Scotia.

MANDATE

The Public Service Act makes it a function of the Attorney General to:

- prosecute all criminal and penal offences;
- see that the administration of public affairs is in accordance with the law;
- advise the heads of the several departments upon matters of law concerning their departments;
- regulate and conduct all litigation for or against the Crown;
- administer justice through the operation of courts and registries.

To assist the Attorney General to carry out this mandate, the Department is organized into three functional divisions:

- Administration Division
- Legal Services Division
- Courts and Registries Division

In addition, several regulatory services and programs are administered by the Department, including the Nova Scotia Securities Commission, the Expropriations Compensation Board, the Criminal Injuries Compensation Board, the Nova Scotia Legal Aid Commission, the Nova Scotia Horse Racing Commission, and the office of the Public Trustee.

The Department had an operating budget of $36,089,700 and equivalent staff of 716.1 in the fiscal year 1988–89. The Attorney General administered 187 statutes.

MANAGEMENT OF THE DEPARTMENT

The Department is managed by the Senior Management Committee, which consists of the Director of Finance, Manager of Information Services, Director of Field Operations, Personnel Manager, Executive Director (Legal Services), Executive Director (Courts and Registries), Director (Prosecutions), and the Deputy Attorney General who acts as chairperson. This committee exercises management responsibility for the whole of the Department and recommends to the Attorney General policies and priorities in relation to the Department's operation.

HIGHLIGHTS

During the fiscal year 1988–89, considerable time was devoted by lawyers in the Department in providing advice with respect to aboriginal matters.

Significant constitutional issues continued to arise out of the Canadian Charter of Rights and Freedoms. Staff lawyers defended provincial statutes that were challenged on the basis that they were in conflict with the Charter.

The Donald Marshall, Jr., Inquiry Commission continued its hearings into the administration of criminal justice in Nova Scotia, which resulted in a high media profile for the Department.

A Special Prosecutions Unit was added to the Prosecutions Section. This section also assumed responsibility for services to victims of crime.

A new position, Senior Advisor of Policy and Planning, was created. This position has responsibility for policy development and legislative matters.

Professional staff of the Department continued to give lectures and participate in seminars in law-oriented activities of the Nova Scotia Barristers' Society, Dalhousie Law School, and public schools.

- The Department commenced bilingual services in the Provincial Court.
- An internal audit unit was added to monitor the Department's internal affairs.
- Automation of library service was commenced.
- Automation of Provincial Courts continued throughout the year to ensure accurate and timely provision of court statistics.
- Office automation, via word processing and electronic mail, was commenced.

ADMINISTRATION DIVISION

RESPONSIBILITIES

The responsibilities of the Administration Division include a wide range of administrative support functions. The following represents a summary of the tasks performed:

- providing the financial, administrative, and personnel support services for the entire Department;
- providing the accounting, financial, and information reporting systems;
- providing the centralized processing of invoices;
- providing budget coordination with all divisions;
- developing and implementing a wide range of personnel services;
- providing recruitment, selection, and human resource training as required;
- providing compensation and salary administration;
- monitoring performance appraisals, as well as organizational reviews and development;
- managing space utilization, equipment and vehicle acquisitions, and furniture inventory records for the Department;
- developing and maintaining new computerized systems for the Department.

The Administration Division is made up of four sections: Financial Management, Personnel Services, Internal Audit, and Management Information Systems.

FINANCIAL MANAGEMENT SECTION

This section provides the Department with services related to budget management and control, revenue and financial services, and support for strategic planning. As well, this section is responsible for inventory

management and control. Key activities include financial planning and budget preparation, financial reporting, and budget control.

The section was restructured in 1988–89 to improve management of resources and supervision of staff. The position of Supervisor of Accounts was established, and the Accounting and Purchasing/Inventory Control sections now report to this individual.

In 1988–89 the Finance Section developed two new programs to monitor out-of-province expenses and casual staff costs. These programs provide greater efficiency in day-to-day operations.

The section was extremely busy as it processed invoices required in administering a staff of over 700 people. A main challenge was to oversee the management of a budget in excess of $36 million. As well, the control of intransit accounts, involving some $19 million in revenue, was taken over from the Department of Finance.

PERSONNEL SERVICES SECTION

The Personal Services Section is responsible for providing comprehensive support services to the Department in a variety of areas including human resource planning, recruitment and selection, training, counselling, labor relations, performance appraisals, occupational health and safety, compensation and salary administration, and personnel and payroll records.

A total of 62 selection boards were held during the year to staff 38 clerical positions, 4 technical positions, 4 professional positions, and 16 management positions. An additional 28 civil service positions were established in the Department during the year.

As of March 31, 1989, a total of 11 employees were absent on long term disability. There were 323 casual employees employed in the Department during the fiscal year April 1, 1988 to March 31, 1989.

During the year, the Department undertook a major initiative to standardize the classification and salaries of approximately 175 Order-in-Council positions. The Personnel Section was very active in providing assistance to staff and senior management in the preparation of appropriate position descriptions and in coordinating the classification process.

The permanent staff complement of the Department of Attorney General, as of March 31, 1989:

Classification	Number of Employees
Administrative Support	41
Clerical	358
Management	91
Solicitors (Civil)	29
Solicitors (Criminal)	59
Technical	75
Professional	18
Medical Services	1
Other	39
TOTAL	711

INTERNAL AUDIT

The Internal Audit unit was established in December 1988 to increase the Department's audit capability, which in the past included audits only of Court Services and Public Offices. The emphasis of the unit will be on auditing the efficiency and effectiveness of programs. Employees to fill the positions of Manager, Internal Audit, and Audit Officer were hired in 1988–89.

Initially audits have concentrated on revenue collection. The audits are planned to include all aspects of the day-to-day operations of every office as well as Head office.

MANAGEMENT INFORMATION SERVICES

Established in September 1985, the original mandate of the Management Information Systems Section (M.I.S.) was to develop the Provincial Court Information System (PCIS) as well as to coordinate an existing facility (the Grantee-Grantor Index System) in the Registry of Deeds.

During the course of this work, it became apparent that many areas throughout the Department were in need of automation. Furthermore, the nature of the requirements was such that a strategic plan was necessary, one that would ensure the proper integration of existing and prospective automated systems.

With the establishment of the Solicitor General's Department, the M.I.S. section became responsible for the coordination and development of information systems for both departments. An interdepartmental committee consisting of senior members of both departments was formed to prioritize the various projects and initiatives relating to automation. In addition, M.I.S. was also made responsible for the identification and procurement of a hardware architecture that could access various applications such as PCIS and Registry of Deeds in one format and could also facilitate office automation via word processing and electronic mail.

Following is a brief overview of some of the major projects currently under way within the M.I.S. Section.

Provincial Court Information System (PCIS)

The Provincial Court Information System (PCIS) is an automated facility that maintains a comprehensive database of information pertaining to Provincial Court administration. This information includes the details of individual hearings, the payment of fines, and the chronological history for all case and summary offence tickets with which any given individual is associated.

Justice Oriented Information System (JOIS)

Justice departments in Nova Scotia are now committed to the development of a Justice Oriented Information System (JOIS). The first step towards this goal was the development of PCIS, a Provincial Court case tracking system for adults. The next step is the integration of requirements for the administration of the Young Offenders Act in Nova Scotia.

The Department of Attorney General, the Department of Solicitor General, and the Department of Community Services together, with assistance from the federal government, have initiated a joint project to analyze and design an integrated system which will help satisfy the legislative and administrative requirements of the Young Offenders Act. In addition, the system will provide management information and operational features and meet national statistical requirements. The project will ultimately cover requirements for both young offenders and adults and will be integrated with the current Provincial Courts Information System.

Completion of a prototype system for user review and approval is scheduled for April 1989, while actual implementation in the first pilot site is estimated to occur early in 1990.

Registry of Deeds

The Registry of Deeds has a number of projects, which are currently under way or in the final planning stages. Listed below is a brief summary of each.

Grantee-Grantor Index

The existing Grantee-Grantor Index system allows for the creation of computer-based indices for each of the 21 provincial registries. As mentioned earlier, support activities for this system are coordinated by M.I.S.

Micrographics

The micrographic preservation of the land ownership documents at the Registry of Deeds was a major project managed by M.I.S. in 1988–89.

On-line Registration/Inquiry

Over the last 200 years, and in particular the last 25, the 21 Registry of Deeds offices have experienced steady and continued growth. Today the registry operation accounts for 36 per cent of the overall revenue of the Department or $6 million per year, and it has a staff complement of approximately 94.

In an attempt to deal with the backlog within these offices, the Department is in the final stages of issuing a Request for Proposal (RFP) to review the current operation and make specific recommendations for an on-line registration/inquiries system to streamline the operation as well as improve services to the searching community at large.

Microcomputer-Based Systems

Over the last few years the M.I.S. Section has developed a number of micro-based software applications throughout both the Department of Attorney General and the Department of Solicitor General. These programs have been so well received that in the case of one application, the fixed assets inventory system, the software has been installed in at least five other major provincial government departments.

HIGHLIGHTS

- The establishment of a hardware platform for information services has had significant importance as it will directly affect virtually every office in the Department over the next five years.
- The new Internal Audit Division will allow monitoring of all day-to-day operations.

NEW INITIATIVES

- A system is being developed to monitor victim surcharge revenues.
- Expansion of computerized systems in courts (JOIS) and registries (DORIS) is continuing.
- Automated information systems are being expanded to other offices.
- A Staff Training Section is being developed.

LEGAL SERVICES DIVISION

This division is composed of four operating sections: Criminal Appeals, Prosecutions, Solicitor Services, and Civil Litigation. The duties of these sections include:

- formulating and analyzing the law respecting criminal appeals.
- application of the criminal law to prosecutions.
- providing a full range of legal services to all government departments, boards, commissions, and agencies.

Within the broad range of activities and the areas of specialization that can be identified within the Legal Services Division, it is a responsibility of the Executive Director and directors of each section to develop programs, policies, and procedures that will ensure that the necessary expertise in each area is available to meet the needs of the division's diverse clientele.

CRIMINAL APPEALS SECTION

The Criminal Appeals Section is responsible for the formulation of policy and analysis of law respecting criminal appeals. This section is also responsible for maintaining inter-governmental liaison on the Criminal Code and for formulating policy dealing with young offenders. During the fiscal year 1988–89 this section handled 123 indictable appeals. Approximately 25 per cent of the appeals were initiated by the Crown, and three appeals were argued in the Supreme Court of Canada. Twenty-one appeals dealt with young offender matters.

PROSECUTIONS SECTION

The Prosecutions Section is responsible for the application of the criminal law to prosecutions under the Criminal Code, the federal acts enforced by the province (including the Young Offenders Act), and offences under provincial statutes. This section oversees the training and evaluation of prosecuting officers to ensure consistency in prosecutions and to identify resource requirements.

The primary role of the prosecuting officer is to advise police as to whether a criminal charge is supported by the facts and whether prosecution is justified. Once a charge is laid by the police, the prosecuting

officer assumes full responsibility for the conduct of the prosecution in court.

During the year ending March 31, 1989 the Department established a Special Prosecutions Unit to deal with complex, commercial crime prosecutions and other specialized types of prosecutions.

In July 1988 the Attorney General announced the establishment of the Office of Victims of Crime Services Coordinator, reporting to the Director (Prosecutions), with responsibility for developing a fine surcharge program with respect to both federal and provincial offences.

SOLICITOR SERVICES SECTION

During the past fiscal year the Solicitor Services Section provided a full range of legal services to all government departments and to various government boards, commissions, and agencies for the purpose of assisting in the performance of their respective statutory mandates. Legal services provided include:

- rendering opinions on the common law and on the requirements of provincial and federal legislation;
- providing advice and opinion respecting regulatory schemes and drafting proposed regulations and Orders-in-Council;
- assisting in the development by government departments, boards, commissions, and agencies of legislative initiatives;
- preparing legal documents including instruments of conveyance and advising with respect thereto;
- assisting in negotiations between the Province of Nova Scotia, the Government of Canada, and municipalities and drafting related agreements;
- participating as resource persons in seminars and refresher courses offered by government departments.

CIVIL LITIGATION SECTION

The Civil Litigation Section is responsible for the conduct of civil actions commenced by or against the Crown, including arbitrations and assess-

ment appeals. This section is also responsible for constitutional law matters including civil proceedings involved in the Charter of Rights and Freedoms.

During the 1988–89 fiscal year this section prepared for several interventions before the Supreme Court of Canada, including interventions on mandatory retirement and workers' compensation laws. Numerous cases in which the section was involved produced significant decisions under the Charter of Rights and Freedoms, including mandatory retirement, French language schools, administrative law, marketing boards, and constitutional decisions in the areas of labor standards, health services tax, and family maintenance.

HIGHLIGHTS

- Establishment of a Special Prosecutions Unit.
- Establishment of the Office of Victims of Crime Services.
- In the 1989 Throne Speech, the government agreed to establish the position of Director of Public Prosecutions. It is expected that this position will be filled in 1989.
- Planning was commenced to develop a program of province-wide services to crime victims.
- Planning was commenced to replace the current county prosecutor system with four justice regions to increase efficiency and effectiveness of service.

COURTS AND REGISTRIES DIVISION

OVERVIEW

The Courts and Registries Division of the Department is responsible for the provision of judicial administrative services and support functions, court administrative services, and related services to the public, effecting within budgetary restraints efficient, equitable, and timely access to all court-related services in Nova Scotia.

SUPREME COURT OF NOVA SCOTIA

Appeal Division

The Appeal Division of the Supreme Court of Nova Scotia consists of the Chief Justice of Nova Scotia and six justices appointed federally by the Governor General in Council in accordance with the provisions of the Constitution Acts.

The Supreme Court Appeal Division sits in Halifax. It has appellate jurisdiction in both civil and criminal matters from the Trial Division and the County Court and, on criminal matters, from the Provincial Court and the Youth Court.

The Appeal Court usually sits with a panel of three justices and on occasions with five. It may also sit with one or more divisions of three justices. One justice may hear interlocutory matters in chambers.

The Appeal Division, in 1988–89, heard a total of 256 cases, both civil and criminal.

Trial Division

The Trial Division consists of the Chief Justice of the Trial Division and 11 justices appointed by the Governor General in Council. The judges of the County Court are appointed by the Governor General in Council to be "local judges of the Trial Division." As such they have jurisdiction to exercise all powers and authority of a Trial Division Justice in respect to the Divorce Act and any provincial enactment, provided jurisdiction is assigned to a local judge.

County Court judges exercise their jurisdiction as "local judges of the Trial Division" at the request of the Chief Justice of Nova Scotia or the

Chief Justice of the Trial Division.

The Trial Division sits regularly in Halifax and Sydney and in 18 other locations with permanent court offices.

The Trial Division is a court of original jurisdiction and, as such, has complete jurisdiction in both civil and criminal matters arising in the Province of Nova Scotia, except in matters or cases expressly excluded by statute. The Trial Division administers the Divorce Act (1985) and the Bankruptcy Acts, both of which are federal acts with individual structures of administration and operation.

A "registrar of divorce" functions in each of the 20 court offices throughout the province. The prothonotary of the Supreme Court in each office holds the appointment of "registrar." Most divorce cases when uncontested are heard by local judges of the Trial Division outside the Halifax area and at Halifax by a justice of the Trial Division.

The Bankruptcy Act is administered in a manner similar to the Divorce Act, except that the province is divided into four zones. The prothonotaries at Halifax, Yarmouth, Sydney, and Pictou hold the appointment of registrars. The Trial Division justices hear all bankruptcy matters of a contested nature when consent from both parties is not granted to the registrar to hear the matter.

The Trial Division has original jurisdiction in indictable offences tried by judge and jury, as provided by the Criminal Code of Canada. Unlike criminal matters, civil cases may be tried by judge alone or sitting with jury.

Cases of a criminal nature, including federal statutes such as the Narcotic Control Act and the Fisheries Act, tried by the Trial Division (Criminal Side) are with judge and jury.

Trial Division justices are all located at the Law Courts, 1815 Upper Water Street, Halifax, and travel to the other areas of the province with permanent registries to hold court as scheduled by the Civil Procedure Rules.

The Trial Division sitting with jury heard a total of 339 criminal cases of various kinds during the fiscal year 1988–89. On the civil side, a total of 89 civil cases were heard by a judge sitting without jury, and only one case was heard with jury. The Supreme Court handled a total of 1,270 bankruptcies during 1988 with most of the cases being heard by the

registrars with the consent of both parties. There was a total of 2,762 divorces handled by the Supreme Court Trial Division, with approximately half being heard at Halifax by a Supreme Court justice and the remainder being heard by local judges of the Supreme Court in other areas of the province.

There are 18 prothonotaries appointed to operate the registries or court offices throughout the province. They are accountable for the administrative and judicial support functions of the Supreme Court in their specific districts and for the effective and efficient application of the policies and procedures as set forth by statute, Civil Procedure Rules, and Department requirements.

COUNTY COURT

The County Court consists of the Chief County Court Judge of Nova Scotia and nine other judges who sit as "local judges of the Supreme Court." All County Court judges are appointed federally by the Governor General in Council.

The County Court sits in 20 permanent locations in the province. These locations or registries are shared with the Supreme Court Trial Division. There are seven districts for the County Court. Halifax has the Chief County Court Judge of Nova Scotia and two other judges. Sydney has two County Court judges, and the other districts each have one judge.

The County Court has original jurisdiction in actions where the amount in dispute does not exceed $50,000. The County Court has jurisdiction over marriage, custody/access, adoption, and change of name. The Small Claims Court is a division of the County Court in that all orders made in Small Claims Court are made an order of County Court and are enforced by that Court. The County Court has concurrent jurisdiction with the Supreme Court, Trial Division, over all criminal matters where the accused elects trial by judge alone.

The County Court hears appeals from the Provincial Court on summary Criminal Code matters and provincial statute offences under the summary appeal rules of the County Court. The County Court hears all appeals from the Small Claims Court, but by way of stated case. All appeals originating from actions commenced in County Court are heard by the Supreme Court Appeal Division.

County Court judges sitting without jury heard a total of 577 criminal cases. The majority of these cases were heard in Halifax and Sydney. County Court judges, on the civil side, heard a total of 323 cases sitting without jury and 15 civil cases with jury. Divorce cases heard by County Court judges sitting as local judges of the Supreme Court are included in the statistics of the Trial Division. County Court heard a total of 141 appeals from Small Claims Court by way of stated case, and County Court judges heard a total of 393 appeal cases under the Summary Appeal Rules.

PROVINCIAL COURT

This division is responsible for the administration and operation of all Provincial Courts and Youth Courts dealing with offenders aged 16 or more in the province. All criminal proceedings commence in Provincial Court, and 95 per cent of all criminal prosecutions are heard by Provincial Court judges.

Judicial authority for the court is vested in the 27 judges of the Provincial Court who have jurisdiction throughout the province. The administrative, judicial support, and quasi-judicial functions are the responsibility of the chief clerk in each of 15 specified districts.

The Provincial Court has exclusive jurisdiction over all summary offences under provincial statutes and federal acts and regulations; and judges of the Provincial Court have exclusive original jurisdiction to try certain indictable offences and may hold preliminary inquiries when an accused elects trial in Supreme or County Court.

In 1987 the province appointed the first bilingual judge to try matters in the French language.

The chief clerks and their staff are accountable for judicial support services, which include scheduling of court reporters/clerks; preparation and maintenance of court files, dockets, and documentation; and marking, control, security, and disposal of tendered exhibits. The chief clerks, as administrative heads, are responsible for the efficient operation of the Provincial Court administrative offices by effective use of personnel to ensure proper receipt, recording, and distribution of monies received, collection of outstanding fines, and timely, accurate preparation of required reports, and by providing information and assistance to the judiciary, members of the Bar, police agencies, and the general public.

In the city of Halifax, administration of the Provincial Court is the responsibility of the city, cost shared with the province.

Justices of the peace provide the quasi-judicial functions of swearing informations, affidavits, and summons; and designated justices of the peace are assigned the additional authority of signing remands, search warrants, and warrants for arrest. The chief clerk in each district is the chief designated justice of the peace.

Provincial Court Activity—1988–1989

The judicial caseload and administrative workload in the Provincial Court has been progressively increasing because of the number of:

- provincial statute cases, consisting mainly of Motor Vehicle Act offences, followed by offences under the Liquor Control Act, Wildlife Act, and provincial Fisheries Act and Regulations;

- federal statute cases consisting of offences involving federal Fisheries Regulations, the Narcotic Control Act, Income Tax Act, unemployment insurance, national parks, Food and Drugs Act, and military bases (Government Property Trespass Regulations);

- cases under the Young Offenders Act, as proclaimed in the Province of Nova Scotia in September 1985.

COURT OF PROBATE

The Court of Probate is accountable for the protection of heirs-at-law and estate creditors by the proper interpretation and application of statute law of Nova Scotia.

There are within the Province of Nova Scotia 20 probate districts, each having jurisdiction for the granting of probate or administration of estates, the appointment of executors, administrators, and guardians, and general authority over estate matters within that specific probate district. The Court of Probate is not restricted by financial limitation as is the County Court.

The judicial authority in each probate district is the judge of probate. The administrative, judicial support, and the quasi-judicial functions are the responsibility of the registrar of probate.

The Judges of Probate are the County Court judges for the County Court district in which the probate district is situated. The judge has jurisdiction over appeals from decisions of the registrar, applications for proof of a will in solemn form, order for sale of real property to pay debts, removal of executors or administrators, and adjudication of claims at the request of the registrar or parties involved.

The Registrars of Probate and their staff are responsible for generally ensuring that all estate matters are conducted in an orderly and legal fashion. The myriad of functions they perform include: granting Letters Testamentary or Letters of Administration; recording and keeping safe all original wills and probate documents; appointing guardians; holding show cause hearings; approving estate accounting, proctors fees, and executors and administrators commission and expenses; issuing the final order of Decree Absolute; and charging for services in conformance with the Cost and Fees Act.

The Registry of Probate is the repository for the recording and safe keeping of all court documents relating to estate matters.

Summary of Activity

Fiscal Year April 1, 1988 to March 31, 1989

Number of probates granted	2,244
Number of administrations granted	408
Number of estates closed	865
Total number of estates opened and closed	3,517

New Initiative

It is the intention of the Department to move forward with revisions to the Probate Act and with updating and further developing the probate handbook.

SMALL CLAIMS COURT

The Small Claims Court was established as a court of record of limited financial jurisdiction. It provides an inexpensive and informal court where laypeople, as well as professionals can present their legal problems

without incurring the procedural difficulties and costs of the higher courts.

The Small Claims Court was designed to allow claimants and respondents to conduct their own lawsuits. Small Claims Court staff guide claimants and respondents through the process but do not provide legal advice on the actions.

The financial jurisdiction of the Small Claims Court was originally set at $2,000 and was increased in 1986 to $3,000. The Small Claims Court has no jurisdiction in matters dealing with the ownership of land, wills, landlord and tenant disputes, malicious prosecution, false imprisonment, or defamation.

The fee for filing a claim in Small Claims Court is $20, and these costs may be awarded by the adjudicator to a successful claimant. Costs such as legal fees, should a party use a lawyer, are not allowed.

The adjudicators, all members of the Nova Scotia Bar, are appointed from various areas of the province by Order-in-Council. Clerks of the County Court, by virtue of the Small Claims Court Act, are clerks of the Small Claims Court. Other departmental personnel are appointed as clerks of the Small Claims Court and the sheriffs provide security as required.

The Small Claims Court has taken considerable pressure off the County Court in workload and has provided a forum for the public for speedy resolution of cases of small monetary value, which would otherwise go without legal adjudication.

During the period 1 April 1988 to 31 March 1989, a total of 9,656 cases were heard by the Small Claims Court adjudicators. From this number of cases only 141 were appealed. All appeals are by way of stated case and are heard in County Court. The appeal to County Court is the final appeal for any matter heard in Small Claims Court.

SHERIFFS SERVICES

The sheriff in each of the 18 counties of the province is responsible for providing comprehensive support services to all levels of civil and criminal courts within the province.

These duties include the service of civil and criminal documents, the execution of court orders, collection of fines and monies under court

order, court security, jury management, and prisoner transportation. The sheriff is an officer of the court and an ex-officio federal court marshall.

The traditional responsibilities of the sheriff commence with the service of Supreme and County Court originating notices through to execution orders, foreclosure orders, and seizure and sale of property under court order. These duties have expanded to include service and execution of divorce, Family Court, and Small Claims Court documents. The service of summons for civil trials and jury management for civil jury trials is also the responsibility of the sheriff.

The responsibility of the sheriff in regard to criminal courts has undergone significant expansion in recent years. The limited traditional responsibilities of jury management and some prisoner escort and transportation now include total responsibility for prisoner transportation and court security for all levels of court.

In 1986, with the transfer of full responsibility for transportation of prisoners throughout the province to the sheriffs, a new system of five regional prisoner transportation coordinators was implemented. Close liaison between coordinators is intended to effect efficient movement of prisoners, not only within the specific regions, but from region to region. This service is accountable for moving all accused persons, adult and young offenders, to and from court when on remand, and for the transport of prisoners after sentence.

The sheriffs transported over 11,000 persons during the fiscal year 1988–89.

A judicial committee was formed some two years ago to address the security issues of all courts within the province. The limited responsibilities at that time included jury management, guarding of prisoners in court, and minimum general security in Supreme and County Courts. The committee concluded the necessity of a uniform system of Court Security in all levels of court; and the sheriffs, as a neutral body having no affiliation with police, prosecutor, or defence counsel and being officers of the court and familiar with the court system, were assigned the further responsibility.

In 1987 the task was undertaken to research the requirements to institute an effective court security program, develop a court security manual and develop an effective training program for sheriff officers.

The first area to be reviewed was the Law Courts Building in Halifax where with necessary changes and improvements an effective security program was implemented by March 31, 1988.

Limited security was put in place throughout the province. Where resources would permit, an analysis was completed to determine the requirements for effective security in all courts.

The sheriff's personnel spent 24,713 person-hours providing court security in the fiscal year.

As well, the sheriff is responsible for transportation of mental patients on behalf of municipal government units.

The statistics for the Sheriffs Division for the year 1988–89 are as follows:

Civil Courts

Number of Originating Notices received	3,388
Number served	2,987
Number of Execution Orders	5,528
Number of Sales by Execution	34
Number of Foreclosures	179
Number of Small Claims documents served	372
Number of Recovery Orders executed	293

Family Courts

Number of documents served	3,202
Number of hours to serve documents	5,425 hours
Number of kilometres travelled to serve documents	163 227 km

REGISTRY OF DEEDS

The Registry of Deeds is the repository for the recording of legal documents relating to real and personal property. There is a registry in each county, with an additional one in each of Lunenburg, Shelburne, and Guysborough counties, for a total of 21 registries in the province.

The records in regard to real property set forth by deeds, wills, court orders or other documentation confirm legal title to a property and record

as well mortgages, liens, judgments, or other restrictions that may encumber clear title to it. Chattel mortgages, liens, and bills of sale are recorded against personal property. Also filed at the registry are survey plans, subdivision plans, expropriation plans, and documents required by the Condominium Act.

The Registrar of Deeds is accountable to ensure that all documents submitted for registration are in proper and legal form and are then accurately recorded, indexed, and filed. Registrars and their staff assist members of the Bar or their representatives and the general public in searching the records lodged at the registry. Fees for their services are set forth in the Cost and Fees Act.

The Department has been successful in the development and implementation of some computerized programs for the Registry of Deeds. Automation of the Grantor/Grantee, Bills of Sale, Judgment, and Assignment of Book Debts indexes was completed in all 21 registry offices in 1985. The system provides a cumulative printing of the indexes on a regular basis, enabling these indexes to be in proper alphabetical sequence.

A microfilming project has been undertaken with respect to the records at the Halifax Registry of Deeds. The object of this project is the preservation of historic records which are used daily. This project will be continued in the other 20 registries within the province.

In 1988 two manuals were prepared: the Administrative Procedure Manual and the Index Manual. These will be used as guides for the registrars of deeds and their staff.

New Initiatives

At the present time a new on-line registration inquiry system is being considered. It is hoped that this system will be introduced to the registry offices in the near future.

REGISTRY OF JOINT STOCK COMPANIES

The Registrar of Joint Stock Companies provides for the administration of statutory procedures required for the creation of the companies with power to carry on business activities or other useful activities involving group participation in Nova Scotia. The office of the registrar administers the statutes respecting the registration of business names, proprietor-

ships, and partnerships as well as the registration of corporations created in other jurisdictions.

The Registry of Joint Stock Companies provides for the filing of all documentation submitted under the statutes administered and provides a source of public information respecting all filings.

The Registry operates on an automated on-line and retrieval system and handles in excess of 8,000 telephone calls per month, dealing principally with requests for information filed or name reservations requests. On average, the registry files contain in excess of 60,000 active registrations as well as an equal number of inactive registrations on businesses.

Statistics indicate that during the fiscal year ending March 31, 1989, new incorporations for both profit and non-profit corporations exceeded 2,500; extra-provincial or foreign registrations in Nova Scotia exceeded 600; and registrations of partnerships and proprietorships exceeded 4,800.

The Registry receives in excess of 150,000 pages of paper per year, all of which must be examined, recorded, filed, and microfilmed. All filings become available to the public for viewing at the offices of the registrar.

The Registry of Joint Stock Companies also provides a central registry for recording debentures effected under the Corporation Securities Registration Act; and interested individuals or companies may, by checking with the Registry, ensure that there are no outstanding liens or encumbrances against the company before entering into financial commitments.

LIBRARY

The Department of Attorney General Library provides research and information facilities to support the work of its civil and criminal legal staff at head office and to staff in outside offices. These services are also provided to the Nova Scotia judiciary and, in selected cases, to users from other government departments.

The library collection consists of approximately 11,000 volumes. It includes law reports, legal texts and encyclopedias, general textbooks, legislative materials, and government publications.

Extensive research is done in a wide range of legal and paralegal activities. These include utilizing resources in other government and legal libraries, extensive inter-library loans, and computer-assisted legal research of both Canadian and American case law and legislation.

Developments of note during the year include installation of a *Quic Law* computerized legal research facility in the Judges' Library at the Law Courts, participation for the fourth successive year in Law Day, and development of a computer database for the library collection.

The following represents library activities for the period April 1, 1988 to March 31, 1989:

Monographs and government documents catalogued	337
Annual reports received	61
Law reports received	1,442
Looseleaf updates received	356
Journals received	93
Legal opinions indexed	10
Reference/research questions received	1,103

OFFICE OF ALCOHOL AND DRIVING COUNTERMEASURES

The Office of Alcohol and Driving Countermeasures was established within the Department of Attorney General in 1984.

It is tasked with heightening and sustaining the public awareness of the legal, health, and social hazards associated with impaired driving; providing resources to police and community groups attempting to deter the incidence of driving after drinking; and working through junior and senior high schools with the hope of bringing about a generation of drivers who will not mix alcohol or other substances with driving.

The office is staffed by a coordinator and two secretarial staff. The coordinator works directly with the municipal police forces of the province and detachments of the RCMP.

Programs and public awareness initiatives, including Christmas holiday sobriety checkpoints, are designed by the Alcohol and Driving Countermeasures Office, working with a committee of law enforcement officials from across the province. Meetings are held quarterly with representation from the RCMP and municipal police offices.

Highlights

- Close to a quarter of a million drivers were spot-checked for sobriety at checkpoints held during all major holiday weekends and during the Christmas season for the period 1986 to 1988.

- For the second straight year, drinking-driver involvement in fatal motor vehicle crashes in the province was reduced:

1986	53%
1987	38%
1988	36%

- All 91 senior high schools in the province joined the Safe Graduation Program, which is delivered by the Office of Alcohol and Driving Countermeasures on behalf of the Minister of Education.

- The Safe Graduation Program was expanded in 1988 from its emphasis at graduation time to encompass student safety throughout the

year. "Safe graduation officers" were appointed at all RCMP detachments and police departments, school administrators, local government and service clubs in support of the program.

- The 1988 graduation was tragedy free in Nova Scotia, the third in as many years, reversing a decade-long tradition of graduation-related student death up to and including 1985.

CHIEF MEDICAL EXAMINER

The Chief Medical Examiner's Office is a quasi-judicial operation, which functions under the authority of The Fatality Inquiries Act. It provides for the proper and efficient investigation of all violent, unexplained, unexpected, and suspicious deaths within Nova Scotia. The investigation includes an examination of the scene, a thorough post-mortem examination, including autopsy when required, and certification of cause and manner of death. The complexity and sophistication of these procedures vary in each situation.

Judicial inquiries are called when required. An inquiry may result in recommendations that will contribute to the safety and benefit of others from the circumstances surrounding a death.

CRIMINAL INJURIES COMPENSATION BOARD

Duties of the Board

The Criminal Injuries Compensation Board considers applications to it by those who are victims of the types of crimes set forth in the Schedule to the Compensation for Victims of Crime Act. Compensation may be paid for expenses incurred as a result of the victim's injury or death; pecuniary loss or damage resulting from disability affecting the victim's capacity for work; pecuniary loss or damage incurred by dependants as a result of the victim's death; pain and suffering; maintenance of a child born as a result of sexual assault; and other pecuniary loss or damage resulting from the victim's injury. Compensation can be paid to the victim, the person responsible for the maintenance of the victim, and, where death has resulted, the victim's dependants or person or persons incurring expenses on behalf of the victim. The Board holds hearings for all of its applications except those from outside the province. The maximum which may be paid is a $30,000.00 lump sum payment or $1,000.00 per month in periodic payments.

Details of the Board's activities in 1988–89 may be found in the Annual Report of the Criminal Injuries Compensation Board.

Statistics 1988–89

Number of applications received	315
Number of applications returned	226
Hearings completed	113

NOVA SCOTIA LEGAL AID COMMISSION

The 1977 Legal Aid Act created the Legal Aid Commission and made it responsible for legal aid in the province. The Commission has 17 directors, two of whom are non-voting members selected from the public service. All other directors are appointed by the Lieutenant-Governor in Council: eight who are nominated by the Attorney General, and seven who are nominated by the Council of Nova Scotia Barristers' Society. One of the directors is named as chairman and one represents the federal Department of Justice's interest. The directors need not all be lawyers; they represent all geographical areas of the province, serve for three-year terms, and may be reappointed.

The Commission reports to the Attorney General, is audited by the Auditor General, and operates on an annual grant provided by the province. Legal Aid is cost-shared by the federal government; and the province may recover up to 90 per cent of the cost of legal aid services provided to young offenders, up to 75 per cent of the cost of adult criminal services, and 50 per cent of the cost of family and civil legal aid.

The Commission delivers most of its services via a network of 11 community-based law offices known as Nova Scotia Legal Aid. The offices are staffed by salaried lawyers and, in certain situations, supplemented by lawyers in private practice on a fee-for-service basis.

In 1986, to assist in meeting increased service demand, the Commission created, and now annually funds, the Metro Community Law Clinic, which provides service to the Halifax/Dartmouth area. The clinic operates independently of Nova Scotia Legal Aid and has its own mandate and board of directors but is directly responsible to the Commission.

Put very simply, Legal Aid is providing a lawyer to someone who cannot afford to pay for one on their own. In Nova Scotia, to be eligible for the service, an applicant must be receiving social assistance benefits or be in an equivalent financial position. It must be determined that there is some merit in their case, and that the applicant will receive some benefit if service is provided.

Nova Scotia Legal Aid Commission
Statistics: April 1, 1989 to March 31, 1989

Applicants Accepted

Criminal		8,954
Civil		12,805
	TOTAL	21,759

Completed Dossiers

Criminal		6,921
Young offender		1,587
Civil		10,106
	TOTAL	18,614

Number of Certificates Paid to Lawyers in Private Practice

Criminal		481
Civil		1,404
	TOTAL	1,885

Number of Outstanding Certificates to Lawyers in Private Practice

Criminal		171
Civil		649
	TOTAL	820

PUBLIC TRUSTEE

The Office of Public Trustee was established under the Public Trustee Act and functions in reference to that Act and other statutes that prescribe specific roles for the Public Trustee: e.g., Hospitals Act, Patients' Abandoned Property Act, Adult Protection Act, Guardianship Act, Probate Act, Presumption of Death Act, etc. The Public Trustee:

- manages estates of living persons who need the services of a trustee, guardian, attorney or other fiduciary that are not readily available to such persons in the private sector;

- administers estates of deceased persons and has standing to apply for grant of administration or administration with will annexed in any case where no grant of probate or administration has been issued;

- may consent to medical or surgical treatment of a mentally incompetent hospital patient when consent cannot be obtained from the patient's guardian, spouse, or next-of-kin;

- acts as guardian *ad litem*, or representative in litigation, for minor, incompetent, deceased, missing, or unascertained litigants in respect to whom a court makes representation orders.

The Office of The Public Trustee is a corporation sole under that name with perpetual succession and an official seal; and, as such, the Public Trustee may sue and be sued in that name. The Public Trustee has the power and duties given to or imposed upon him or her by statute and such further powers and duties as the Governor in Council may prescribe. The person appointed to be Public Trustee has the status of a deputy head. Where the Governor in Council, a minister of the government, or a court is empowered to appoint a guardian, custodian, trustee, executor, or administrator, the Public Trustee, if that person consents to act, may be so appointed.

NOVA SCOTIA SECURITIES COMMISSION

The Nova Scotia Securities Commission performs certain quasi-judicial functions and gives policy directions for the better execution of the administrative functions performed by its staff under the direction of the registrar. The registrar is the Commission's full-time director and also performs certain statutory duties of a quasi-judicial character.

The Commission's mandate is to protect the public interest by striving to ensure that capital markets in the province operate fairly and efficiently. It does this primarily in three ways:

- by vetting prospectuses and certain other disclosure documents that require the issuance of a final receipt or approval by the registrar pursuant to the Act or the Securities Regulations before an offering of securities can be made to investors;

- by requiring that participants in local securities markets, principally brokers and dealers and their sales representatives, are registered and meet the capital, proficiency, and other requirements set out in the Act and the Securities Regulations;

- by undertaking compliance and enforcement activities, including public education—the aim of which is to promote understanding of and compliance with securities laws—and by providing appropriate sanctions where it finds contraventions to the law.

FINANCIAL REPORT

	Appropriation (000s) 1988–89 Estimate	1989–90 Estimate
GENERAL ADMINISTRATION		
Administration		
Office of the Minister and Deputy	420	417
Courts and Registries	611	599
Alcohol and Driving Countermeasures	149	175
Administrative Services	716	722
Solicitor Services	2,644	1,536
Policy and planning	—	118
Judges general expenses	1,078	1,053
Library Services	152	163
Supreme Court maintenance	353	361
Small Claims Court	289	295
Crime Compensation	600	634
Nova Scotia Legal Aid	6,390	7,300
Total—Administration	$14,467	$14,752
Funded staff	157.3	149.0
Public Trustee		
Administration on estates and trusts	348	347
Legal services	128	133
Total—Public Trustee	$476	$480
Funded staff	12.0	12.5
TOTAL—ADMINISTRATION	$14,943	$15,232
Funded staff	169.3	161.5

LAW ADMINISTRATION

	Appropriation (000s)	
	1988–89 Estimate	1989–90 Estimate
Criminal Prosecutions and Civil Actions		
Halifax Region	1,560	1,678
Central Region	635	756
Western Region	864	905
Cape Breton Region	510	569
Criminal Appeals	—	1,093
Victims of Crime	—	125
Solicitor Services	395	370
Medical Examiners	224	233
Ambulance Operators Program	201	—
Pathologists	137	120
Professional services	72	86
Total—Criminal Prosecutions and Civil Actions	$4,598	$5,935
Funded staff	76.0	104.1
Provincial Judges		
Administration, Cape Breton Region	628	577
Administration, Central Region	780	854
Administration, Halifax Region	951	1,050
Administration, Western Region	1,050	1,123
Chief Judge	152	173
Judiciary, Cape Breton Region	362	437
Judiciary, Central Region	495	707
Judiciary, Halifax Region	634	695
Judiciary, Western Region	671	834
French language trials	299	344
Judicial conferences and meetings	40	60
Grants, Canadian Association of Provincial Court Judges	2	2
Total—Provincial Judges	$6,064	$6,856
Funded staff	122.7	126.2

	Appropriation (000s) 1988–89 Estimate	1989–90 Estimate
Court Reporting		
Professional circuit court reporters, Cape Breton Region	99	108
Professional circuit court reporters, Central Region	145	151
Professional circuit court reporters, Western Region	212	210
Court reporting services, Halifax Region	661	672
Total—Court reporting	$1,117	$1,141
Funded staff	32.3	32.9
TOTAL—LAW ADMINISTRATION	$11,779	$13,932
Funded staff	231.0	263.2
Public Offices		
Registry of Deeds, Cape Breton Region	502	518
Registry of Deeds, Central Region	544	574
Registry of Deeds, Halifax Region	805	783
Registry of Deeds, Western Region	821	886
Registry of Probate, Cape Breton Region	102	108
Registry of Probate, Central Region	213	235
Registry of Probate, Halifax Region	177	187
Registry of Probate, Western Region	377	353
Prothonotary, Cape Breton Region	270	310
Prothonotary, Central Region	269	269
Prothonotary, Halifax Region	561	592
Prothonotary, Western Region	263	239
Sheriffs, Cape Breton Region	874	1,008
Sheriffs, Central Region	881	956
Sheriffs, Halifax Region	1,331	1,435
Sheriffs, Western Region	1,293	1,320
Sheriffs, Young Offenders Act	131	139
Total—Public Offices	$9,414	$9,912
Funded staff	285.3	281.9

	Appropriation (000s) 1988–89 Estimate	1989–90 Estimate
Registry of Joint Stock Companies		
Administration	402	415
Data processing and accounting	343	348
Nova Scotia Securities Commission	639	733
Total—Registry of Joint Stock Companies	$1,384	$1,496
Funded staff	30.5	31.0
Sub-total—Ordinary expenditure	37,520	40,572
less chargeable to Department of Community Services	-1,430	-3,277
Total—Ordinary Expenditure	$36,090	$37,295
Total—Funded staff	716.1	737.6
Recoveries		
General administration	3,179	3,477
Law administration	121	210
Public offices	87	154
Total—Ordinary recoveries	$3,387	$3,841
Capital		
Furniture and equipment	118	30
Other	80	75
Total—Capital expenditure	$198	$105
Revenue		
Administration	140	150
Law administration	3,744	4,805
Public offices		
Registry of Deeds	5,987	7,615
Registry of Probate	1,016	1,073
Prothonotary	972	928
Sheriffs	761	889
Companies Branch	3,100	3,880
Miscellaneous	50	50
Total—Revenue	$15,770	$19,390